



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 19890

PERMIT 13240

LICENSE 10421

Page 1 of 4

THIS IS TO CERTIFY, That Magoon Estate Limited
c/o James C. Hanson
444 North 3rd Street, Suite 400
Sacramento, CA 95814

Has the right to use waters of (1) (5) Bucksnot Creek and (2) (3) Unnamed Stream in Lake County tributary to (1) (5) Putah Creek thence Lake Berryessa (2) (3) Bucksnot Creek thence Putah Creek

for the following purposes: Irrigation, Stockwatering, Frost Protection, Heat Control

Amended License 10421 supersedes the license originally issued 01/16/1975, which was perfected in accordance with the laws of California, the regulations of the SWRCB or its predecessor, and the terms of Permit 13240. The priority of this right dates from 12/21/1960. Proof of maximum beneficial use of water pursuant to Application 19890 was made as of 05/10/1972 (the date of inspection).

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed 1,380.5 acre-feet per annum to be collected from September 15 of each year to June 30 of the succeeding year.

The total amount of water collected to storage under this license together with that stored under License 2141 (Application 3069), License 2142 (Application 4889), License 6334 (Application 15706), and any license issued pursuant to Permit 14519 (Application 20877) shall not exceed 5,089.5 acre-feet per year.

The maximum withdrawal in any one year under this license together with that withdrawn under License 2141 (Application 3069), License 2142 (Application 4889), License 6334 (Application 15706), and any license issued pursuant to Permit 14519 (Application 20877) shall not exceed 5,089.5 acre-feet per year.

Unless a change is approved by the State Water Resources Control Board (SWRCB), water used under this license may be diverted, rediverted, stored and used only as specified below;

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

- (1) Detert Dam, Bucksnot Creek, Point of Direct Diversion and Diversion to Storage, North 1,700 feet and West 600 feet from SE corner of projected Section 9, T10N, R6W, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 9.
- (2) Foley Dam No. 1, Unnamed Stream, Point of Diversion to storage and point of rediversion for water stored at point (1), North 2,450 feet and East 1,000 feet from SW corner of projected Section 4, T10N, R6W, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 4.
- (3) Foley Dam No. 2, Unnamed Stream, Point of Diversion to storage, South 1,450 feet and West 1,000 feet from NE corner of projected Section 4, T10N, R6W, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 4.
- (4) Bucksnot Creek Ditch Pump, Bucksnot Creek, Point of Direct Diversion and Point of Rediversion for water stored at points (1), (2), and (3), South 1,900 feet and East 1,500 feet from NW corner of projected Section 3, T10N, R6W, MDB&M, being

(2) The Court has appointed a Watermaster to implement the provisions of the Agreement. The licensee shall be responsible for partial payment of the Watermaster costs in accordance with the terms of the Agreement.

(3) Licensee shall measure reservoir storage at the beginning and end of the Accumulation Season. Contribution to Annual Depletion shall be determined to be the change in storage during the Accumulation Season. The licensee shall pay for the cost of installing and maintaining any water level measuring device required by the SWRCB.

McCreary Reservoir and Guenoc Lake (Detert Reservoir) shall have a water level measuring device that documents continuous reservoir levels during the Accumulation Season, purchased (and replaced if necessary) by the watermaster as a watermaster cost pursuant to Section 5.F of the agreement and installed and maintained at the expense of the licensee.

(4) Licensee shall install at licensee's own cost such additional or other measurement devices as are necessary to measure actual depletions, if the watermaster determines that additional measures are necessary, consistent with Section 3.A.3 (Measuring Devices) of the Agreement.

(5) Licensee shall report to the watermaster annually, on or about September 1, the amount of water diverted to storage under this license at the beginning and end of the Accumulation Season as required by the watermaster. Such annual reports shall be made in writing on forms approved by the watermaster.

(6) The watermaster shall have the right to enter property to inspect measuring equipment and to observe compliance with the terms and conditions of this license, upon 48-hour prior notice and upon such reasonable conditions as licensee may prescribe.

(7) Licensee is hereby put on notice that there may be years when diversion of water under this license will not be within the reservation of water established for the Putah Creek watershed upstream of Monticello Dam, as set forth in the Agreement and that in those years no water may be available under this license.

(8) In the event Allowable Depletion is exceeded in any year, licensee shall release water diverted to storage to the extent necessary to bring the Allowable Depletion into compliance. Licensee's obligation to release water from storage shall be governed by the repayment provisions of the Agreement. (Agreement pp. 9, 10, and 11).

(9) In any year in which Annual Depletion exceeds Allowable Depletion, if Lake Berryessa: (1) does not drop below 640,000 acre-feet in storage as of May 1, licensee shall have three years, starting in the next Accumulation Season, to make up or repay licensee's excess diversion (2) does not reach 640,000 acre-feet of storage as of May 1, licensee shall have one year, starting in the next Accumulation Season, to make up or repay licensee's excess diversions. In the event that Lake Berryessa spills at any time prior to full payback of excess depletion, licensee shall be excused from any further obligation for repayment of the overage.

(10) Licensee shall provide watermaster prior notice of any repayment. Repayment may be made either by releases from storage, curtailment of direct diversion, or by the provision of water from other sources.

(11) Licensee shall notify the watermaster of any change in ownership of land, changes in the water right, or changes in address related to the license.

(12) Licensee is hereby put on notice of licensee's right, upon reasonable prior notice, to inspect and to copy, at licensee's own expense, all records and reports of the watermaster.

Inclusion in the license of certain provisions of this Agreement shall not be construed as disapproval of other provisions of the Agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this license.

(0000024)

The State Water Resources Control Board (SWRCB) shall have continuing authority under Article X, Section 2 of the California Constitution, Water Code Sections 100 and 275, and the common law public trust doctrine over this license to delete, revise, amend, or adopt new terms or conditions to: (1) implement the March 10, 1995, Condition 12 Settlement Agreement and any amendments to the agreement and (2) make the terms or conditions consistent with any order of the superior court. No action shall be taken pursuant to this paragraph unless the SWRCB provides notice to affected parties and provides an opportunity for a hearing.

(0000012)

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

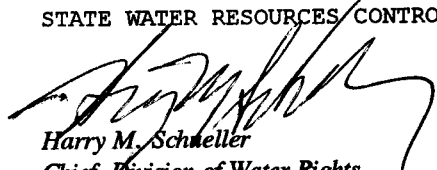
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated:

DEC 19 2000

STATE WATER RESOURCES CONTROL SWRCB


Harry M. Schueller
Chief, Division of Water Rights

L10421

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 3069
4889
15706
19890
20876
20877

PERMIT _____

LICENSE 2141
2142
6334
10421
9939
10422

**ORDER ALLOWING CHANGES IN
PURPOSES OF USE**

WHEREAS:

1. License 2141 (Application 3069) was issued to Estate of W. F. Detert, deceased and was filed with the County Recorder of Lake County on January 27, 1941; and an order allowing changes in License 2141 was recorded with the County Recorder of Lake County on July 3, 1973 in Book 732, Page 681.
2. License 2142 (Application 4889) was issued to Estate of W. F. Detert, deceased and was filed with the County Recorder of Lake County on January 27, 1941; and an order allowing changes in License 2142 was recorded with the County Recorder of Lake County on July 3, 1973 in Book 732, Page 684.
3. License 6334 (Application 15706) was issued to Investment Operating Corporation and was recorded with the County Recorder of Lake County on June 6, 1961 in Book 352, Page 575; and an order allowing changes in License 6334 was recorded with the County Recorder of Lake County on July 3, 1973 in Book 732, Page 687.
4. Licenses 2141, 2142 and 6334 were subsequently assigned to Magoon Estate, Limited.
5. License 10421 (Application 19890) was issued to Magoon Estate, Limited and was recorded with the County Recorder of Lake County on January 30, 1975 in Book 784, Page 488.
6. License 9939 (Application 20876) was issued to Magoon Estate, Limited and was recorded with the County Recorder of Napa County on July 3, 1972 in Book 702, Page 143.
7. License 10422 (Application 20877) was issued to Magoon Estate, Limited and was recorded with the County Recorder of Lake County on January 20, 1975 in Book 784, Page 484.

License 2141 (Application 3069)
License 2142 (Application 4889)
License 6334 (Application 15706)
License 10421 (Application 19890)
License 9939 (Application 20876)
License 10422 (Application 20877)
Page 2

8. Petitions to change the purposes of use under these licenses have been filed with the State Water Resources Control Board and good cause for such change has been shown.
9. The Board has determined that the petitioned changes and the corrections do not constitute the initiation of any new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under Licenses 2142, 6334, 10421, 9939 and 10422; and the storage portion under License 2141 shall be as follows:

Irrigation, stockwatering, frost protection and heat control

2. The purposes of use for the direct diversion portion under License 2141 shall remain as follows:

Irrigation and stockwatering

Dated: APRIL 23 1980

Walter G. Pettit
Walter G. Pettit, Chief
Division of Water Rights



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 19890

PERMIT 13240

LICENSE 10421

THIS IS TO CERTIFY, That

MAGOON ESTATE LIMITED
P. O. BOX 258, HONOLULU, HAWAII 96809

HAS made proof as of MAY 10, 1972 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
(1)(5) BUCKSNORT CREEK AND (2)(3) AN UNNAMED STREAM IN LAKE COUNTY

tributary to (1)(5) PUTAH CREEK THENCE LAKE BERRYESSA THENCE SACRAMENTO RIVER AND
(2)(3) BUCKSNORT CREEK THENCE PUTAH CREEK

for the purpose of IRRIGATION AND STOCKWATERING USES
under Permit 13240 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from DECEMBER 21, 1960 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed ONE THOUSAND THREE HUNDRED EIGHTY AND FIVE-TENTHS (1,380.5)
ACRE-FEET PER ANNUM, TO BE COLLECTED FROM SEPTEMBER 15 OF EACH YEAR TO JUNE 30 OF THE
SUCCEEDING YEAR.

THE TOTAL AMOUNT OF WATER COLLECTED TO STORAGE UNDER THIS LICENSE TOGETHER WITH THAT
STORED UNDER LICENSE 2141 (APPLICATION 3069), LICENSE 2142 (APPLICATION 4889),
LICENSE 6334 (APPLICATION 15706), AND ANY LICENSE ISSUED PURSUANT TO PERMIT 14519
(APPLICATION 20877) SHALL NOT EXCEED 5,089.5 ACRE-FEET PER YEAR.

THE MAXIMUM WITHDRAWAL IN ANY ONE YEAR UNDER THIS LICENSE TOGETHER WITH THAT WITH-
DRAWN UNDER LICENSE 2141 (APPLICATION 3069), LICENSE 2142 (APPLICATION 4889),
LICENSE 6334 (APPLICATION 15706), AND ANY LICENSE ISSUED PURSUANT TO PERMIT 14519
(APPLICATION 20877) SHALL NOT EXCEED 5,089.5 ACRE-FEET.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) DETERT DAM - NORTH 1,875 FEET AND WEST 850 FEET FROM SE CORNER OF PROJECTED
SECTION 9, T10N, R6W, MDB&M, BEING WITHIN SE1/4 OF SE1/4 OF SAID SECTION 9,
- (2) FOLEY DAM #1 - NORTH 2,450 FEET AND EAST 1,000 FEET FROM SW CORNER OF PROJECTED
SECTION 4, T10N, R6W, MDB&M, BEING WITHIN NW1/4 OF SW1/4 OF SAID SECTION 4,
- (3) FOLEY DAM #2 - SOUTH 1,450 FEET AND WEST 1,000 FEET FROM NE CORNER OF PROJECTED
SECTION 4, T10N, R6W, MDB&M, BEING WITHIN SE1/4 OF NE1/4 OF SAID SECTION 4 AND
- (5) MCCREARY DAM - NORTH 1,920 FEET AND WEST 650 FEET FROM SE CORNER OF PROJECTED
SECTION 34, T11N, R6W, MDB&M, BEING WITHIN NE1/4 OF SE1/4 OF SAID SECTION 34.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JAN 16 1975

STATE WATER RESOURCES CONTROL BOARD

R. L. Branderger
Chief, Division of Water Rights

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THE POINTS OF REDIVERSION ARE LOCATED:

- (2) FOLEY DAM #1 - NORTH 2,450 FEET AND EAST 1,000 FEET FROM SW CORNER OF PROJECTED SECTION 4, T10N, R6W, MDB&M, BEING WITHIN NW1/4 OF SW1/4 OF SAID SECTION 4,
- (4) BUCKSNORT CREEK DITCH PUMP - SOUTH 1,755 FEET AND EAST 1,133 FEET FROM NW CORNER OF PROJECTED SECTION 3, T10N, R6W, MDB&M, BEING WITHIN SW1/4 OF NW1/4 OF SAID SECTION 3,
- (5) MCCREARY DAM - NORTH 1,920 FEET AND WEST 650 FEET FROM SE CORNER OF PROJECTED SECTION 34, T11N, R6W, MDB&M, BEING WITHIN NE1/4 OF SE1/4 OF SAID SECTION 34,
- (6) BUCKSNORT CREEK DIVERSION DAM - SOUTH 930 FEET AND EAST 2,750 FEET FROM NW CORNER OF SECTION 2, T10N, R6W, MDB&M, BEING WITHIN NW1/4 OF NE1/4 OF SAID SECTION 2,
- (7) PUTAH CREEK PUMP #1 - SOUTH 300 FEET AND EAST 2,500 FEET FROM NW CORNER OF SECTION 4, T10N, R5W, MDB&M, BEING WITHIN NE1/4 OF NW1/4 OF SAID SECTION 4, AND
- (8) PUTAH CREEK PUMP #2 - SOUTH 1,100 FEET AND WEST 800 FEET FROM NE CORNER OF SECTION 4, T10N, R5W, MDB&M, BEING WITHIN NE1/4 OF NE1/4 OF SAID SECTION 4.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

1,538 ACRES NET WITHIN A GROSS AREA OF 23,000 ACRES, AS SHOWN ON MAP FILED WITH THE STATE WATER RESOURCES CONTROL BOARD, AND DATED SEPTEMBER, 1972.

LICENSEE SHALL NOT DIVERT WATER IN ANY YEAR FROM PUTAH CREEK FOR USE ON NONRIPARIAN LAND IN EXCESS OF THE AGGREGATE RECORDED BUCKSNORT CREEK RETURN FLOW DURING THE IRRIGATION SEASON FOR THAT YEAR AND SHALL INSTALL, OPERATE, AND MAINTAIN A PERMANENT GAGING STATION ON THE LOWER REACH OF BUCKSNORT CREEK AND SHALL OBTAIN, COMPILE, AND SUBMIT TO THE BOARD ANNUALLY THE FOLLOWING:

1. DAILY RECORDS OF DISCHARGE FROM BUCKSNORT CREEK TO PUTAH CREEK DURING THE IRRIGATION SEASON.
2. ANNUAL RECORDS OF WATER PUMPED FROM EACH POINT OF DIVERSION ON PUTAH CREEK, AND
3. ACREAGE OF THE AREAS IRRIGATED ANNUALLY ON PUTAH CREEK.

THIS LICENSE DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE DURING THE PERIOD FROM JUNE 30 TO SEPTEMBER 15 OF EACH SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES, OR FOR ANY OTHER PURPOSE.

LICENSEE SHALL MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAMS AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIRS OR COLLECTED IN THE RESERVOIRS DURING AND AFTER THE CURRENT STORAGE SEASON MAY BE RELEASED INTO THE DOWNSTREAM CHANNEL TO THE EXTENT NECESSARY TO SATISFY DOWNSTREAM PRIOR RIGHTS.

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

TABLE 1

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1. THE ROAD FROM THE TOWN OF BANGKOK TO THE TOWN OF BANGKOK
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